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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,560	12/22/2000	Sergio Zambelli	34014/GM/ch	8940

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EXAMINER

YIP, WINNIE S

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 01/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/742,560	ZAMBELLI ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Winnie Yip	3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 15 October 2002 .

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 20-66 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 20-66 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 22 December 2000 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some \* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)      4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      5)  Notice of Informal Patent Application (PTO-152)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s)      6)  Other:

## **DETAILED ACTION**

This office action is in response to applicant's amendment filed on October 15, 2002.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

The indicated allowability of claims 4-5, 7, 10, 15 is withdrawn in view of the newly discovered reference(s). Rejections based on the newly cited reference(s) follow.

### ***Specification***

1. The incorporation of essential material in the specification by reference to a foreign application or patent [i.e., USSN 08/055,116 (pg. 4. line 15); and Italian Patent No. MI2000A297 (pg. 6, line 20)] is improper. Applicant is required to amend the disclosure to include the material incorporated by reference. The amendment must be accompanied by an affidavit or declaration executed by the applicant, or a practitioner representing the applicant, stating that the amendatory material consists of the same material incorporated by reference in the referencing application. See *In re Hawkins*, 486 F.2d 569, 179 USPQ 157 (CCPA 1973); *In re Hawkins*, 486 F.2d 579, 179 USPQ 163 (CCPA 1973); and *In re Hawkins*, 486 F.2d 577, 179 USPQ 167 (CCPA 1973).

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the features "the profiles to be embedded in a concrete body of a panel" or "a prefabricated concrete panel" (claim 20, 37, 38, 52, 53, and 66) must be shown or the feature(s) canceled from the claim(s). in this case,

drawings only show reinforcement but do not show a panel with concrete material which the reinforcement is embedded therein. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Objections***

3. Claims 22, 24-25, 38, 41-42, 53, and 56 are objected to because of the following matters:

Regarding claims 22, 38, 56, the recitation “-shaped” is import as refer to what type of configuration and causes the claims indefinite.

Regarding claims 23-24, 41-42, and 53; the recitations “non-coplanar portions” and “coplanar portion” lack a proper antecedent basis. They are confusing as referring to what elements.

***Claim Rejections - 35 USC § 112***

4. Claims 20-37, and 65 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regard to claims 20 and 35, it is not clear what does mean by “means of said transverse profiles” (claim 20) and “means of two end wings” (claim 35) since the “profiles” and “the eng wings” do not provide any “means plus function”.

Regarding claims 36 and 65, the phrase “formed by plastic deformations of said profiles” is confusing how can the profiles having plastic deformations if the profiles are made of metal?

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. Claims 20-23, 25-27, 34-41, 43, 50, 52-57, 64, 66 are rejected under 35 U.S.C. 102(b) as being anticipated by European Patent No. 381,000.

EP reference is considered to teach an reinforcement for a prefabricated concrete panel comprising a frame formed by longitudinal profiles (the longer profiles 32) reciprocally connected by transverse profiles (the shorter profiles 32) , each of the longitudinal and transverse profiles having a configuration including two parallel end winds (32a, 32b; 34a, 34b) joined by an intermediate wind (i.e., 34c), the intermediate wind including a central portion and two portion inclined with opposite inclinations, wherein the intermediate wind is considered to be a “non-coplanar portion” as claimed, the profiles include perforations (33) formed on the end winds and perforations (35) formed in the intermediate wind, and the protruding edges (a, b) provided between the inclined portion and the end winds (see EXHIBIT A) providing undulations which is formed on non-coplanar portion and the regions between the perforations. Wherein the reinforcement is capably embedded in a concrete panel such that the perforations and the undulations are capable to increase the bonding between the reinforcement and the concrete body of a panel.

Regard to claim 21, the configuration of the profiles of EP reference capably considered being substantially a C-shaped configuration as claimed.

Regard to claims 34 and 64, wherein the perforations on the profiles are capable to support inserts such as a ring that can be used for lifting the panel.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 24, 28-33, 42, 44-49, 58-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over European Patent No. 381,000 as applied to claims 20, 38, 53 above, and further in view of Patrick (US patent No.5,107,650).

The claims are considered to be met by EP reference as explained and applied above rejections except that EP reference does not define the profiles having the undulations having very configurations and providing on various location along the profiles as claimed. Patrick teaches a C-shaped elongate profile (12) having end winds (15, 16) and an intermediate wind (14), and undulations (17, 21) formed on edges and between the perforations (18a) for receiving and bonding with concrete body of a panel. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the reinforcement of EP reference having undulation formed on various locations along the profiles as taught by Patrick as an obvious matter of design choice for sufficiently increasing the bonding between the reinforcement and the concrete body of a panel as to accommodate the construction requirements for various applications.

***Allowable Subject Matter***

8. Claims 51 and 65 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

9. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mitchell '867, DiSanto '837, Martin '384, Thmoson et al. '860, Brown et al. '546, and Lanahan et al. '624 teach various reinforcement having frames formed by connected profiles having configuration as similar to the claimed invention. Amore '603, and Seff '664 teach various profiles having undulations formed on various positions as similar to the claimed invention.

***Inquiry Contacts***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 703-308-2491. The examiner can normally be reached on M-F (9:30-6:30), Second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



Winnie Yip  
Patent Examiner  
Art Unit 3637

wsy  
December 30, 2002